



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-13-01103-CV

**NEIL NOBLE, Appellant
V.
CITY OF DALLAS, Appellee**

**On Appeal from the County Court at Law No. 4
Dallas County, Texas
Trial Court Cause No. CC-13-02526-D**

MEMORANDUM OPINION

Before Chief Justice Wright and Justices Lang-Miers and Brown
Opinion by Chief Justice Wright

This suit began as a declaratory action by Neil Noble to obtain public information from the City of Dallas pursuant to chapter 552 of the Texas Government Code. Noble obtained the requested information and moved to dismiss the suit. Before the trial court signed the dismissal order, however, Noble filed an “amended” petition seeking to evict tenants from his property. The City responded by filing a plea to the jurisdiction. The trial court subsequently granted the plea and dismissed the case. Approximately two months after filing this appeal, Noble informed the Court by letter that the tenants had vacated the property. Because it appeared a live controversy no longer existed, we questioned whether the appeal was moot and we could decide the case. *See Nat’l Collegiate Athletic Assoc. v. Jones*, 1 S.W.3d 83, 86 (Tex. 1999) (“Appellate courts are prohibited from deciding moot controversies. . . . A case becomes moot if at any

stage there ceases to be an actual controversy between the parties.”) At our request, the parties filed letter briefs addressing our concern. In its brief, the City agrees the case is moot. Noble disputes the case is moot but provides nothing in his brief demonstrating a live controversy exists. Because no live controversy exists between the parties, we are prohibited from deciding this case. *See id.* Accordingly, we dismiss the appeal.

131103F.P05

/Carolyn Wright/

CAROLYN WRIGHT
CHIEF JUSTICE



**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

NEIL NOBLE, Appellant

No. 05-13-01103-CV V.

CITY OF DALLAS, Appellee

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No. 4, Dallas County, Texas
Trial Court Cause No. CC-13-02526-D.
Opinion delivered by Chief Justice Wright.
Justices Lang-Miers and Brown
participating.

In accordance with this Court's opinion of this date, we **DISMISS** the appeal.

We **ORDER** that appellee City of Dallas recover its costs, if any, of this appeal from appellant Neil Noble.

Judgment entered February 26, 2014

/Carolyn Wright/

CAROLYN WRIGHT
CHIEF JUSTICE